

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

IN RE:

Jeffery G Richmond

Debtor

Case No: 17-32838
(Chapter 13)

JUDGE GUY R. HUMPHREY

**CHAPTER 13 TRUSTEE'S OBJECTION TO CONFIRMATION
OF AMENDED PLAN FILED JANUARY 31, 2018 (DOC 70)**

The Chapter 13 Trustee objects to confirmation of the Debtor's amended plan filed January 31, 2018 (Doc 70), and as provided by 11 U.S.C. § 1302(b)(2) recommends the plan not be confirmed, all as more fully set forth in the attached memorandum.

A plan has not been confirmed.

_____/s/ Jeffrey M. Kellner_____
JEFFREY M. KELLNER #0022205
CHAPTER 13 TRUSTEE
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DAYTON, OH 45402-1161
(937) 222-7600 FAX (937) 222-7383
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Richmond 17-32838

The Debtor has filed a fourth amended plan that changes the payment to the plan from \$1,600.00 for 1 month, \$3,629.45 for 1 month and then increases to \$7,100.00 for the remainder of the plan to \$1,600.00 for 2 months, \$3,629.45 for 1 month then beginning in December 2017 increases to \$5,711.61 for 9 months then \$6,500.00 for 24 months and then increases to \$7,100.00 per month. The percent to be paid to the general unsecured creditors remains at 100%. The amended plan also increases the amount of the claims to Tax Ease, deletes Tax Redevelopment, adds the Montgomery County Treasurer as a class 2 claim, proposes to surrender the real estate located at 4609 Waymire Ave to Montgomery County Treasurer and surrender the real estate located at 5443 Flicker Way to Ocwen Loan Servicing. The Trustee submits that the plan payments cannot be retro-active. The Debtor's original plan filed September 13, 2017 proposed a plan payment of \$1,600.00. The Meeting of Creditors which was scheduled for October 17, 2017 required a plan payment of \$1,600.00. The Debtor on October 30, 2017 filed an amended plan that proposed plan payment of \$1,600.00 for 1 month and then \$3,629.45 for the remainder of the plan. The amended plan filed November 21, 2017 proposed a plan payment of \$1600.00 for 1 month as well as the amended plan filed January 9, 2018. The Debtor now files an amended plan on January 31, 2018 that is proposing for payments of \$1,600.00 for 2 months and that the increase to \$3,629.45 does not start until December 2017. The Debtor has failed to file a plan in good faith pursuant to 11 U.S.C § 1325(a)(3).

The Trustee further objects to the Debtor's retention of 96 Cromwell Place, Dayton, Ohio financed through Ocwen as per the proof of claim filed by HSBC (serviced by Ocwen), Court claim 28, shows that the Debtor has no personal liability on the note and that the mortgage is in the name of Brenda Richmond. Therefore, this claim is not the debt of the Debtor.

The Trustee would require that the Debtor agree that the case remain a 100% dividend to the general unsecured creditors due to the retention of three motor vehicles, retention of the real estate and possible high budget.

The Trustee submits that the amended plan fails to comply with the Local Rules of the United States Bankruptcy Court for the Southern District of Ohio under LBR 9013-1. The Debtor has failed to notice the affected creditors. The Debtor has failed to notice Ocwen Loan Servicing at the notice address on the proof of claims.

CERTIFICATE OF SERVICE

17-32838

I hereby certify that a copy of the Chapter 13 Trustee's Objection To Confirmation Of Amended Plan was served **electronically** on the date of the filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the court and by **ordinary U.S. Mail** on February 12, 2018 addressed to:

Jeffery G Richmond
115 Horace St.
Dayton, OH 45402

Jeffrey M Kellner, Trustee

/s/ Jeffrey M. Kellner

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